

FAX TRANSMITTAL COVER SHEET

CONLEY ROSE, P.C.
2508 Ashley Worth Blvd., Suite 200
Austin, Texas 78738
Fax Number: (512) 610-3456
Telephone Number: (512) 610-3410

PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:

NAME: Examiner Dao, Thuy Chan, Group Art Unit 2192
U.S. Patent and Trademark Office

FAX: 571-273-8570

FROM: Utpal Shah

DATE: December 2, 2008

RE: U.S. Patent Application No. 10/730,601
Applicant Initiated Interview Request Form (1 page)
Interview Request Attachment (5 pages)

REMARKS:

Total Number of Pages (Including This One): 7
OUR CLIENT/MATTER NO.: 4000-11100

YOUR REFERENCE NO.: Patent Application No. 10/730,601

IF YOU DO NOT RECEIVE ALL THE PAGES,
PLEASE CALL 512-610-3440 AS SOON AS POSSIBLE

This facsimile and the information it contains is intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone at the above telephone number and return the original to this office by mail.

Applicant Initiated Interview Request Form

Application No.: 10/730,601 First Named Applicant: Merzad Hemmat
 Examiner: Dao, Thuy Chan Art Unit: 2192 Status of Application: Final-OA

Tentative Participants:

(1) Dao, Thuy Chan (2) _____
 (3) Utpal Shah (# 60,047) (4) Brian Genco (#58,096)

Proposed Date of Interview: December 16, 2008 Proposed Time: 10:00 AM (AM/PM)

Type of Interview Requested:

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>102(e)</u>	<u>1, 8, 16, and 20</u>	<u>Miller</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					


Brief Description of Arguments to be Presented:

See Attached.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.


 Applicant/Applicant's Representative Signature

 Examiner/SPE Signature

Utpal Shah

Typed/Printed Name of Applicant or Representative

60,047

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No: IDF 2194 (4000-11100)

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Merzad Hemmat, et al.	§	
		§	Group Art Unit: 2192
Serial No.:	10/730,601	§	
		§	Examiner: Dao, Thuy Chan
Filed:	December 8, 2003	§	
		§	Confirmation No.: 8879
For:	INTEGRATED ADVANCE	§	
	SCHEDULING AND RESOURCE	§	
	RESERVATION OF INDETERMINATE	§	
	PROJECTS IN AN INTEGRATED	§	
	DEVELOPMENT PROCESS	§	

INTERVIEW REQUEST AND PROPOSED AMENDMENT – NOT FOR ENTRY

In response to the final Office Action dated October 28, 2008, Applicants respectfully request the following issues be considered for discussion in the telephone interview scheduled of December 16, 2008. Applicants respectfully submit that these issues are not to be entered as a response to the final Office Action dated October 28, 2008. Furthermore, Applicants respectfully submit that such issues are non-binding and do not create any estoppel until such time as agreement is reached with the Examiner regarding same and formal amendments and/or remarks are presented and entered.

Attorney Docket No: IDF 2194 (4000-11100)

Patent

Summary of Rejections

Claims 1-2, 4-12 and 14-26 were rejected under 35 USC § 102(e).

Response to Rejections**Claims 1, 8, 16 and 20:**

- Miller is directed to accelerated process improvement framework. (Miller Title). In particular, Miller teaches a method and related system for assisting and expediting an organization's transformation toward higher levels of the Capability Maturity Model (CMM). (Miller Para. [0015]). The various steps of the CMM method include the creation or updating of various documentation that detail and verify the execution of tasks performed by the organization, and these documents are used to demonstrate compliance with the higher levels of the CMM. (Miller Para. [0031]).
 - Miller does not teach or suggest reserving resources for the project prior to completing the detailed requirements analysis. The Office Action relies on paragraphs [0034], [0040], [0055], [0105] and [0115] to teach the claimed limitation. Applicants respectfully traverse. The cited sections of Miller teach organizing, assigning and training an organization's human resources and physical resources. In particular, the organization may analyze the resource requirements, obtain human and physical resources from participating entities, assign the resources to projects, and release

Attorney Docket No: IDF 2194 (4000-11100)

Patent

the resources upon project completion. Thus, Applicants submit the Miller teaches analyzing resource requirements and then organizing resources for the project. Miller does not teach or suggest reserving resources for the based on the information **prior** to completing the detailed requirements analysis, as claimed.

- Miller does not teach or suggest that the detailed requirements analysis includes a plurality of steps including one or more of functional requirements modeling, system requirements modeling, and application integration modeling. The Office Action relies on paragraphs [0095], [0206] and [0313] of Miller to teach the claimed limitation. The cited sections of Miller teach designing a competency model. A competency is a cluster of related knowledge, skills, and other attributes/abilities associated with high performance on a job; and a competency model is a group of related competencies required to perform a career field such as a team leader. Thus, Applicants submit that Miller teaches a model for grouping skills needed to perform a particular role. Miller does not teach modeling requirements during a detailed requirements analysis of the project and confirming reserved resources at each step in the detailed requirements analysis, as claimed.
- Applicants respectfully submit that the cited portions (paragraphs [0033]-[0035], [0045], [0092], [0095] and [0099]) of Miller do not teach or suggest

Attorney Docket No: IDF 2194 (4000-11100)

Patent

a software development process with define, discover, design, develop and deploy phases. Applicants submit that the cited portions are directed to the process stage and personnel stage of the Organization Management step of the CMM model. Applicants respectfully submit that Figure 6A of Miller may be related to the software development process, as claimed. However, even in the disclosure regarding Figure 6A, Miller still fails to teach a reserving resources for the project prior to the detailed requirement analysis, wherein the detailed requirement analysis includes a plurality of steps including one or more of functional requirements modeling, system requirements modeling, and application integration modeling, as claimed.

While no amendments have been presented for discussion in the interview, **Applicants do not preclude the possibility of further amending the claims for further clarification. Applicants welcome any suggestions by the Examiner.**

Attorney Docket No: IDF 2194 (4000-11100)

Patent

Conclusion

If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (512) 610-3410.

Respectfully submitted,

Date: December 2, 2008



Utpal D. Shah

Reg. No. 60,047

for

Michael W. Piper

Reg. No. 39,800

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
(972) 731-2288
(972) 731-2289 (facsimile)

ATTORNEY FOR APPLICANTS